



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during May 2015
DISTRIBUTED: June 17, 2015

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

Alan K. Toothaker, Ellsworth, Maine. Alan K. Toothaker (“Toothaker”) violated Maine’s *Natural Resources Protection Act* by bulldozing and displacing soil in and adjacent to a protected natural resource without first obtaining a permit from the Department and Maine’s *Erosion and Sedimentation Control* law by conducting an activity involving the displacement of soil without first taking measures to prevent erosion of soil into a protected natural resource. A Department inspection revealed that Toothaker had placed sand below the normal high water line of Green Lake, impacting approximately 750 square feet. Green Lake was drawn down at the time that the sand was placed below the normal high water line. In addition, soil was displaced and bulldozed within 75 feet of the normal high water line of Green Lake. Following Department involvement, Toothaker removed sand from below the normal high water line, mulched the disturbed areas within 75 feet of the normal high water line, and installed an erosion control barrier. To resolve the violations, Toothaker agreed to submit to the Department a restoration plan for the affected upland areas within 75 feet of Green Lake, including measures to replant vegetation and permanently stabilize disturbed soils. In addition, Toothaker paid \$1,485 as a civil monetary penalty.

Water and Hazardous Waste:

The Witham Family Limited Partnership d/b/a Atlantic Oceanside Hotel & Conference Center, Bar Harbor, Maine. The Witham Family Limited Partnership d/b/a Atlantic Oceanside Hotel & Conference Center (“Witham Partnership”) violated Maine’s *Water Pollution Control* law and Maine’s *Hazardous Waste, Septage and Solid Waste Management Act* by discharging waste mineral spirits and oil-based paint to Frenchman Bay. An employee of Witham Partnership dumped the contents of a five-gallon bucket (approximately two gallons of a combination of waste mineral spirits and oil-based paint) into a storm drain that discharges to a drainage ditch that flows into Frenchman Bay. At the time of the discharge, there was considerable surface water flow in the ditch causing the pollutants to discharge directly into the bay. To resolve the violations, Witham Partnership agreed to conduct staff training for employees who may come into contact with paint and hazardous waste on paint and hazardous waste management, including proper container labeling, in order to minimize the potential for



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similar future unlicensed discharges of pollutants. Witham Partnership also paid \$5,115 as a civil monetary penalty.